

Message Text

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ACTION SS-25

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 2258

S E C R E T SECTION 1 OF 2 MOSCOW 5391

EXDIS

EO 11652: XGDS-3

TAGS: PARM US UR

SUBJECT: TTBT/PNE NEGOTIATIONS: DRAFT TREATY TEXT, APRIL 6, 1976

ROUND VI - TTBT/PNE DELEGATION MESSAGE NO. 242

1. JOINT DRAFT TREATY TEXT AS OF APRIL 6, 1976, FOLLOWS:

BEGIN TEXT. IN THE ATTACHED TEXT A SUPERScript (1) INDICATES THAT THE WORDS IN BRACKETS ARE INCLUDED IN THE US DRAFT TEXT ONLY; AND A SUPERScript (2) INDICATES THAT THE WORDS IN BRACKETS ARE INCLUDED IN THE SOVIET DRAFT TEXT ONLY.

JOINT DRAFT TREATY TEXT

DRAFT

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

PREAMBLE

THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, HEREINAFTER REFERRED TO AS THE PARTIES, PROCEEDING FROM A DESIRE TO IMPLEMENT ARTICLE III OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, WHICH CALLS FOR THE EARLIEST POSSIBLE CONCLUSION OF AN AGREEMENT ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

REAFFIRMING THEIR ADHERENCE TO THE OBJECTIVES AND PRINCIPLES OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE

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ATMOSPHERE, IN OUTER SPACE AND UNDER WATER, THE TREATY ON

THE NON-PROLIFERATION OF NUCLEAR WEAPONS, AND THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, AND THEIR DETERMINATION TO OBSERVE STRICTLY THE PROVISIONS OF THESE INTERNATIONAL AGREEMENTS,
DESIRING TO ASSURE THAT UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES SHALL NOT BE USED FOR PURPOSES RELATED TO NUCLEAR WEAPONS,
DESIRING THAT UTILIZATION OF NUCLEAR ENERGY BE DIRECTED ONLY TOWARD PEACEFUL PURPOSES,
DESIRING TO DEVELOP APPROPRIATELY COOPERATION IN THE FIELD OF UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES,
HAVE AGREED AS FOLLOWS:

ARTICLE I

1. THE PARTIES ENTER INTO THIS TREATY TO SATISFY THE OBLIGATIONS IN ARTICLE III OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, AND ASSUME ADDITIONAL OBLIGATIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS TREATY.
2. THIS TREATY SHALL GOVERN ALL UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES CONDUCTED BY THE PARTIES AFTER MARCH 31, 1976.

ARTICLE II

FOR THE PURPOSES OF THIS TREATY:

(A) "EXPLOSION" MEANS ANY INDIVIDUAL OR GROUP UNDERGROUND NUCLEAR EXPLOSION FOR PEACEFUL PURPOSES;

(B) "EXPLOSIVE" MEANS ANY DEVICE, MECHANISM OR SYSTEM FOR PRODUCING AN INDIVIDUAL EXPLOSION:

(C) "GROUP EXPLOSION" MEANS TWO OR MORE INDIVIDUAL EXPLOSIONS FOR WHICH THE TIME INTERVAL BETWEEN SUCCESSIVE INDIVIDUAL EXPLOSIONS DOES NOT EXCEED FIVE SECONDS AND FOR WHICH THE EMPLACEMENT POINTS OF ALL EXPLOSIVES CAN BE INTERCONNECTED BY STRAIGHT LINE SEGMENTS, EACH OF WHICH JOINS TWO EMPLACEMENT POINTS AND EACH OF WHICH DOES NOT EXCEED 40 KILOMETERS.

ARTICLE III

1. EACH PARTY, SUBJECT TO THE OBLIGATIONS ASSUMED UNDER THIS TREATY AND OTHER INTERNATIONAL AGREEMENTS, RESERVES THE RIGHT TO:

(A) CARRY OUT EXPLOSIONS AT ANY PLACE UNDER ITS JURISDICTION OR CONTROL OUTSIDE THE GEOGRAPHICAL BOUNDARIES OF TEST SITES SPECIFIED UNDER THE PROVISIONS OF THE TREATY

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ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS; AND
(B) CARRY OUT, PARTICIPATE OR ASSIST IN CARRYING OUT EXPLOSIONS IN THE TERRITORY OF ANOTHER STATE AT THE REQUEST OF SUCH OTHER STATE.

2. EACH PARTY UNDERTAKES TO PROHIBIT, TO PREVENT AND NOT TO CARRY OUT AT ANY PLACE UNDER ITS JURISDICTION OR CONTROL, AND FURTHER UNDERTAKES NOT TO CARRY OUT, PARTICIPATE OR ASSIST IN CARRYING OUT ANYWHERE:

(X)(A) ANY INDIVIDUAL EXPLOSION HAVING A YIELD
EXCEEDING 150 KILOTONS; (XX)
(Y)(A) MORE THAN THREE INDIVIDUAL EXPLOSIONS HAVING A
YIELD EXCEEDING 150 KILOTONS; (YY)
(B) ANY GROUP EXPLOSION:
(1) HAVING AN AGGREGATE YIELD EXCEEDING
150 KILOTONS EXCEPT IN WAYS THAT WILL PERMIT IDENTIFICATION
OF EACH INDIVIDUAL EXPLOSION AND DETERMINATION OF THE YIELD
OF EACH INDIVIDUAL EXPLOSION IN THE GROUP IN ACCORDANCE
WITH THE PROVISIONS OF ARTICLE IV OF AND THE PROTOCOL TO
THIS TREATY;
(2) HAVING AN AGGREGATE YIELD EXCEEDING ONE AND ONE-HALF
MEGATONS;
(C) ANY EXPLOSION WHICH DOES NOT CARRY OUT A PEACEFUL APPLICATION;
(C) ANY EXPLOSION EXCEPT IN COMPLIANCE WITH THE
PROVISIONS OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE
ATMOSPHERE, IN OUTER SPACE AND UNDER WATER, THE TREATY ON
NON-PROLIFERATION OF NUCLEAR WEAPONS, AND OTHER INTERNATIONAL
AGREEMENTS ENTERED INTO BY THAT PARTY.
ARTICLE IV
1. FOR THE PURPOSE OF PROVIDING ASSURANCE OF COMPLIANCE
WITH THE PROVISIONS OF THIS TREATY, EACH PARTY SHALL:
(A) USE NATIONAL TECHNICAL MEANS OF VERIFICATION
AT ITS DISPOSAL IN A MANNER CONSISTENT WITH GENERALLY RECOG-
NIZED PRINCIPLES OF INTERNATIONAL LAW; AND
(B) PROVIDE TO THE OTHER PARTY INFORMATION AND
ACCESS TO SITES OF EXPLOSIONS AND FURNISH ASSISTANCE IN
ACCORDANCE WITH THE PROVISIONS SET FORTH IN THE PROTOCOL TO
THIS TREATY.

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2. EACH PARTY UNDERTAKES NOT TO INTERFERE WITH THE NATIONAL TECHNICAL MEANS OF VERIFICATION OF THE OTHER PARTY OPERATING IN ACCORDANCE WITH PARAGRAPH 1(A) OF THIS ARTICLE, OR WITH THE IMPLEMENTATION OF THE PROVISIONS OF PARAGRAPH 1(B) OF THIS ARTICLE.

ARTICLE V

1. TO PROMOTE THE OBJECTIVES AND IMPLEMENTATION OF THE PROVISIONS OF THIS TREATY, THE PARTIES SHALL ESTABLISH PROMPTLY A JOINT CONSULTATIVE COMMISSION WITHIN THE FRAMEWORK OF WHICH THEY WILL:

(A) CONSULT WITH EACH OTHER, MAKE INQUIRIES AND FURNISH INFORMATION IN RESPONSE TO SUCH INQUIRIES, TO ASSURE CONFIDENCE IN COMPLIANCE WITH THE OBLIGATIONS ASSUMED;

(B) CONSIDER QUESTIONS CONCERNING COMPLIANCE WITH THE OBLIGATIONS ASSUMED AND RELATED SITUATIONS WHICH MAY BE CONSIDERED AMBIGUOUS;

(C) CONSIDER QUESTIONS INVOLVING UNINTENDED INTERFERENCE WITH THE MEANS FOR ASSURING COMPLIANCE WITH THE PROVISIONS OF THIS TREATY;

(D) CONSIDER CHANGES IN TECHNOLOGY OR OTHER NEW CIRCUMSTANCES WHICH HAVE A BEARING ON THE PROVISIONS OF THIS TREATY;

(E) CONSIDER POSSIBLE AMENDMENTS TO PROVISIONS GOVERNING UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES; AND

2. THE PARTIES THROUGH CONSULTATION SHALL ESTABLISH,
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AND MAY AMEND AS APPROPRIATE, REGULATIONS FOR THE JOINT CONSULTATIVE COMMISSION GOVERNING PROCEDURES, COMPOSITION AND OTHER RELEVANT MATTERS.

ARTICLE VI

1. THE PARTIES WILL DEVELOP COOPERATION ON THE BASIS OF MUTUAL BENEFIT, EQUALITY, AND RECIPROCITY IN VARIOUS AREAS RELATED TO CARRYING OUT UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

2. THE JOINT CONSULTATIVE COMMISSION WILL FACILITATE THIS COOPERATION BY CONSIDERING SPECIFIC AREAS AND FORMS OF COOPERATION WHICH SHALL BE DETERMINED BY AGREEMENT BETWEEN THE PARTIES IN ACCORDANCE WITH THEIR CONSTITUTIONAL PROCEDURES.

3. THE PARTIES WILL APPROPRIATELY INFORM THE INTERNATIONAL ATOMIC ENERGY AGENCY OF RESULTS OF THEIR COOPERATION IN THE FIELD OF UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

ARTICLE VII

1. EACH PARTY SHALL CONTINUE TO PROMOTE THE ESTABLISH-

MENT OF THE INTERNATIONAL AGREEMENT OR AGREEMENTS AND PROCEDURES PROVIDED FOR IN ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, AND SHALL PROVIDE APPROPRIATE ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY IN THIS REGARD.

2. EACH PARTY UNDERTAKES NOT TO CARRY OUT, PARTICIPATE OR ASSIST IN THE CARRYING OUT OF ANY EXPLOSION IN THE TERRITORY OF ANOTHER STATE UNLESS THAT STATE AGREES TO THE IMPLEMENTATION IN ITS TERRITORY OF THE INTERNATIONAL OBSERVATION AND PROCEDURES CONTEMPLATED BY ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE PROVISIONS OF ARTICLE IV OF THE PROTOCOL TO THIS TREATY, INCLUDING THE PROVISION BY THAT STATE OF THE ASSISTANCE NECESSARY FOR SUCH IMPLEMENTATION AND OF THE PRIVILEGES AND IMMUNITIES SPECIFIED IN THE PROTOCOL.

ARTICLE VIII

1. THIS TREATY SHALL REMAIN IN FORCE FOR A PERIOD OF FIVE YEARS, AND IT SHALL BE EXTENDED FOR SUCCESSIVE FIVE-YEAR PERIODS UNLESS EITHER PARTY NOTIFIES THE OTHER OF ITS TERMINATION NO LATER THAN SIX MONTHS PRIOR TO ITS EXPIRATION. BEFORE THE EXPIRATION OF THIS PERIOD THE PARTIES MAY, AS NECESSARY, HOLD CONSULTATIONS TO CONSIDER THE SITUATION RELEVANT TO THE SUBSTANCE OF THIS TREATY.

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HOWEVER, UNDER NO CIRCUMSTANCES SHALL EITHER PARTY BE ENTITLED TO TERMINATE THIS TREATY WHILE THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS REMAINS IN FORCE.

2. TERMINATION OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS SHALL ENTITLE EITHER PARTY TO WITHDRAW FROM THIS TREATY AT ANY TIME.

3. EACH PARTY MAY PROPOSE AMENDMENTS TO THIS TREATY. AMENDMENTS SHALL ENTER INTO FORCE ON THE DAY OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF SUCH AMENDMENTS.

ARTICLE IX

1. THIS TREATY INCLUDING THE PROTOCOL WHICH FORMS AN INTEGRAL PART HEREOF, SHALL BE SUBJECT TO RATIFICATION IN ACCORDANCE WITH THE CONSTITUTIONAL PROCEDURES OF EACH PARTY. THIS TREATY SHALL ENTER INTO FORCE ON THE DAY OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION WHICH EXCHANGE SHALL TAKE PLACE SIMULTANEOUSLY WITH THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS.

2. THIS TREATY SHALL BE REGISTERED PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS.

DONE AT , ON , IN
DUPLICATE, IN THE ENGLISH AND RUSSIAN LANGUAGES, BOTH TEXTS
BEING EQUALLY AUTHENTIC.

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